

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, SCOTT M. KENNEY

SUPREME COURT NO. SC01-1424

NO. 98-198

STIPULATION

It is hereby stipulated between the Investigative Panel (the "Panel" of the Florida Judicial Qualifications Commission (the "Commission") and Judge Scott M. Kenney (the "Judge") as follows:

Background:

The Panel and the Judge disagree over whether the Judge has a drinking problem.

The Panel and the Judge do agree that if the Judge has a drinking problem, with proper treatment, the problem would not interfere with the Judge's judicial duties.

The Panel and the judge do agree that Shands Hospital addiction specialists in Gainesville are qualified to determine if the Judge has a drinking problem and, if he does, to prescribe treatment that will prevent the problem from interfering with his judicial duties.

Therefore, the Panel and the Judge agree:

1. The Judge will consult with the Shands Hospital addiction specialists, Gainesville, Florida, on or before thirty (30) days from the date hereof, and will follow whatever course

of action that they recommend and prescribe to deal with any problem of the Judge with substance abuse.

2. If Shands prescribes a course of action to deal with any substance abuse problem, the Judge will authorize Shands to forward to the Panel regular reports on his condition, and the Judge waives any privileges of confidentiality as to such reports. However, they shall not be filed of public record except as hereinafter provided in Paragraph 4.

3. As long as the Judge abides by the recommendations of Shands, the evidence otherwise indicates that he is qualified and fit to serve as a Judge.

4. If, after thirty (30) days from the date hereof, the Judge has not consulted with Shands, or is not at any time thereafter following the course of action prescribed by Shands, the Panel may file formal charges if it finds probable cause to charge this failure. The Judge waives all of his rights under Commission Rules 6(a), 6(b), and 6© in connection with any such finding.

5. If, upon notice and hearing, the hearing panel of the Commission finds that he has been guilty of failing to consult with Shands or not following the course of action prescribed by Shands, he waives all further rights to contest the charges or appeal the findings and shall immediately resign from the bench.

6. Upon execution of this Stipulation, the Formal Charges,

as amended, filed by the Panel against the Judge shall be voluntarily dismissed of public record without further comment or explanation.

7. The Panel, Commission and the Judge, together with their attorneys and all other representatives acting, through or under them shall not publicly discuss the terms or conditions of this Stipulation or the reasons why the Formal Charges have been dismissed.

Dated this 3rd day of July, 2002.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

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